

The respondent has been ordered to pay \$125.00 in penalties and \$250.00 in attorney fees following a hearing which reflected that respondent had failed to pay certain mileage and medical expenses previously ordered. The dispute appeared to have arisen originally because the respondent was not aware that claimant was incurring mileage and medical expenses. However, respondent did fail to pay same within twenty (20) days after the demand. The attorney fees were ordered because this is a post-award proceeding for medical treatment and possible further review and modification. Upon review of the arguments and transcript, the Appeals Board finds the award to be appropriate under the circumstances.

The Appeals Board notes that claimant has made a request for an additional \$500.00 in attorney fees in connection with the appeal. As provided in K.S.A. 44-536(h) disputes regarding attorney fees are to be addressed first by the Administrative Law Judge. This would include the request for attorney fees in connection with this appeal.

Accordingly, the award of \$125.00 in penalties and \$250.00 in attorney fees is affirmed. The action is otherwise remanded to the Administrative Law Judge for further proceedings including, if necessary, proceedings relating to the request for additional attorney fees in connection with the appeal.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark, dated June 14, 1994, is hereby affirmed.

IT IS SO ORDERED.

Dated this ____ day of October, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Robert L. Nicklin, PO Box 1680, Wichita, KS 67201
Douglas C. Hobbs, 600 Epic Center, 301 N. Main, Wichita, KS 67202
John D. Clark, Administrative Law Judge
George Gomez, Director